

*The Kerala Marine Fishing Regulation Rules, 1980

In exercise of the powers conferred by sub-section (1) and (2) of section 24 of the Kerala Marine Fishing Regulation Ordinance, 1980 (12 of 1980), the Government of Kerala hereby make the following rules, namely:-

RULES

1. Short title and commencement.-

- (1) These rules may be called the Kerala Marine Fishing Regulation Rules, 1980.
- (2) They shall come into force at once.^{**}

2. Definitions.- In these rules, unless the context otherwise requires:-

- (a) 'Form' means a form appended to these rules;
- (b) 'Ordinance' means the Kerala Marine Fishing Regulation Ordinance, 1980 (12 of 1980);
- (c) 'Section' means a section of the Ordinance.

3. Class of Fishing vessels, fishing by which may be regulated, restricted or prohibited.- Fishing by a ship or boat fitted with mechanical means of propulsion may be regulated, restricted or prohibited in any specified area under clause (a) of sub-section (1) of section 4.

4. Kinds of Fishing gear, the use of which may be regulated, restricted or prohibited. Use of the following kinds of fishing gear may be regulated, restricted or prohibited in any specified area under clause (d) of sub-section

- (1) of section 4, namely:-
 - (a) Purse-seine;
 - (b) ring seine;
 - (c) pelagic trawl;
 - (d) mid water trawl; and
 - (e) bottom trawl.

* Issued under G.O. (MS) 141/80/F & PD dt.29.11.1980 Pub. in K.G. Ex. No.997 dt.29.11.1980 as SRO 1141/80.

** W.e.f. 29.11.1980.

5. Application for the grant of licence.-

- (1) Every application for the grant of a licence for using a fishing vessel for fishing in any specified area shall be made to the authorised officer in Form I, obtainable from the Office of the Authorised Officer on payment of rupee one for each Form.
- (2) Every application under sub-rule (1) for the grant of a licence for using a fishing vessel of the class specified in column (1) of the Table below shall be accompanied by the fees specified in the corresponding entry in column (2) of the said Table. The appellant shall also furnish such security for the due performance of the conditions of the licence as specified in column (3) of the Table:

¹[Provided that the security in respect of mechanised fishing boat existing on the 29th day of November, 1980 shall only be half of the amount of security specified in the Table.]

TABLE

	Class of the fishing vessel	Amount of fees	Amount of security to be furnished
1.	Country fishing crafts fitted with mechanical means of propulsion.	5	50
2.	Mechanised fishing boats upto 30' in length	50	500
3.	Mechanised fishing boats of more than 30' but less than 37' in length	75	1000
4.	Mechanised fishing boats of 37' and above but less than 56' in length	100	1500
5.	Mechanised fishing vessels of 56' and above in length.	150	2000

6. Grant of licence.-

1. Added by SRO 489/83 pub. in K.G. No. 18 dt. 3.5.1983.

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- (1) A licence granted under section 6 shall be in Form II and shall be subject to the conditions specified in the licence. ²[The licence shall either be granted or refused within a period of one month from the date of receipt of the application.];
- (2) Where the application for the grant of licence is refused, the reasons for such refusal shall be recorded in writing and a copy of the same along with the order or refusal shall be furnished to the applicant, where the order refusing the grant of licence has become final and one half of the amount of fees paid by the applicant, the security furnished shall be refunded to him.

7. Application for registration of vessels.-

- (1) Every application for the registration of a vessel under section 9 shall be in Form III obtainable from the office of the authorised officer on payment of rupee one for each Form.
- (2) Every application under sub-rule (1) for the registration of a vessel of the class specified in column (1) of the Table below shall be accompanied by the fees specified in the corresponding entry in column (2) of the said Table.

TABLE

Class of Vessel	Amount of Fees
(1)	(2)
(1) Non - mechanised country crafts	Re.1
(2) Country crafts fitted with mechanical means of propulsion	Re. 5
(3) Mechanised fishing boats upto 36' in length	Re. 20
(4) All other kinds of vessels	Re. 50

8. Grant of registration certificate

- (1) On receipt of an application under rule 7, the authorised officer shall, after making such enquiry as he deems necessary, register the fishing vessel or by order refuse such registration.

³[Such registration or refusal, as the case may be, shall be made within a period of one month from the date of receipt of application];

2. Inserted by SRO 569/87 pub. in K.G. Ex. No.354 dt. 27.4.1987.

3. Inserted by SRO 569/87 pub. In K.G. Ex. No.354 dt.27.4.1987

- (2) Where the application for registration is refused, the reasons for such refusal shall be recorded in writing and a copy of the same along with the order of refusal shall be furnished to the applicant.
- (3) Where the application for registration is not refused, a certificate of registration shall be granted in Form IV and shall be subject to the conditions specified in the certificate.
- (4) Every certificate of registration issued by the authorised officer shall be entered in a register to be kept by him in Form V.
- (5) The registration mark assigned to a vessel by the authorised officer shall be displayed by painting the mark in white colour on yellow background on the fore-bow of the vessel.

- 9. Furnishing of information about movement of fishing vessels.-** The information to be furnished about the movement of a registered fishing vessel from the area of one port to the area of another port under section 10, shall be in writing and shall be sent by registered post or delivered in person before the vessel moves from the area of the former port.
- 10. Appellate Authority.-** An appeal under section 13 shall, if the authorised officer who passed the order is an Assistant Director of Fisheries, be preferred to the Deputy Director of Fisheries having jurisdiction over the area and in other cases to the Director of Fisheries.
- 11. Impounding of fishing vessel.-** A fishing vessel impounded by the authorised officer under section 14 shall be kept in the nearest Boat Yard under the control of the Fisheries Department and the vessel shall be under the control of the officer in charge of the Yard. ⁴[The fuel pump of the vessel impounded shall be removed by the authorised officer with the help of a Mechanic and hand over the same to the nearest Fishery Office, to avoid the forcible escape of such vessel from the custody.]
- 12. Manner of holding enquiry by the adjudicating Officer.-**
 - ⁵[(1) on receipt of a report from the authorised Officer under sub-section (1) of section 16, the adjudicating officer shall issue notice thereof to the parties concerned directing them to file objections, if any, and to appear before him for being heard on a specified date which shall not be later than ten days from the date of impounding].
 - (2) The objections filed if any to the report of the authorised officers shall be considered by the adjudicating officer, before an order is passed by him.

4. Added by SRO 1658/88 pub. in K.G. Ex. No.1101 dt.9.12.88.

5. Substituted by SRO 569/87.

By order of the Governor,

D. Babu Paul,
Special Secretary.

Explanatory Note

(This note is not part of the rules, but is intended to indicate their general purport).

The Kerala Marine Fishing Regulation Ordinance 1980 promulgated by the Governor on 22.11.1980 provides in section 24 for the making of rules by the Government for various matters envisaged in the Ordinance and for carrying out the provisions of the Ordinance.

These rules are intended for the above purpose.

Form I
(See Rule 5)

Form of Application for Licensing of Fishing Vessels

1. Name and address of owner/s:
2. Occupation of owner/s:
3. Place of permanent residence of owner/s:
4. Name of the fishing vessel:
5. Registration No. and date:
6. Place of registration and agency/ office with which registered:
7. Whether previously licensed and if so, No. of licence and period for which licensed:
8. Particulars of fishing vessel:
 - a) Length:
 - b) Breadth:
 - c) Craft:
 - d) Make and HP of engine:
 - e) Type of vessel:
9. Place where constructed:
10. Year of construction:
11. How and when acquired:
12. No. of crew:
13. Particulars of trained crew and their qualifications:
14. Type of fishing gear proposed to be operated:
15. Specified area of operation for which licence is applied for:
16. Period for which licence is requested:
17. Amount of fees remitted and mode of remittance:

Place :

Date :

Signature of owner/s

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DECLARATION

I/We,
 by this declaration subscribed by
 me/us pursuant to and in compliance with section 6 of the Kerala Marine Fishing Regulation
 Ordinance, 1980 do hereby certify and declare that I am/we are the owner/owners of the
 fishing vessel
 above described and that I/We fully understand all the
 provisions of the said Ordinance and Rules and Orders issued thereunder and agree to abide
 by them.

As witness, I/we set my hand/our hands thisdate
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Witness:

Signature of Owner/s.

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Form II

(See Rule 6)

Licence Granted for Using Fishing Vessel for Fishing in Specified Area

1. No and date of licence :
2. Name and address of the person/s to whom the licence is issued:
3. Particulars of the fishing vessel licensed:
4. Fishing gear licensed:
5. Specified area for which the licence is issued:
6. Period for which the licence is issued:

Place:

Date :

Signature of the Authorised Officer.

(Seal)

Conditions of the Licence

1. This licence is granted subject to the provisions of the Kerala Marine Fishing Regulation Ordinance 1980 (12 of 1980), and the rules and orders issued thereunder.
2. The fishing vessel should be operated only within the specified area for which Licence is granted.
3. Any change in the layout, design, capacity of the vessel should be effected only with the prior approval of the Authorised Officer.
4. Any change in the type of gear licensed shall be effected only with the prior approval of the Authorised Officer.
5. It shall be competent for the Authorised Officer or any Officer authorised by him to enter the fishing vessel for the purpose of inspection whether in the waters or on shore.
6. This licence is liable to be cancelled or suspended and the security if any furnished shall be liable to be forfeited in whole or in part for failure to comply with the conditions subject to which the licence has been granted or for contravention of any of the provisions of the Kerala Marine Fishing Regulation Ordinance, 1980 or the rules or orders issued thereunder.
7. This licence is also liable to be cancelled or suspended if the licence has been obtained by misrepresentation as to an essential fact.

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Form III

(See Rule 7)

Application for Registration of Fishing Vessels

1. Name and address of the Owner/s in full:
2. Name of the fishing vessel:
3. Particulars of registration, if any done previously:
4. Where and when the fishing vessel was secured:
5. Particulars of fishing vessel:
 - (a) Length:
 - (b) Breadth:
 - (c) Draft:
 - (d) Make and HP of engine:
 - (e) Type of vessel:
6. Place where constructed:
7. Year of construction:
8. How and when acquired:
9. Base of operation:
10. Number of crew:
11. Particulars of trained crew and qualifications:
12. Details of life saving appliances provided in the vessel:
13. Amount of fees remitted and mode of remittance:

Place:

Signature of the Owner/s.

Date:

Form IV

(See Rule 8)

Certificate of Registration

1. Number and date of certificate of registration:
2. Registration mark assigned:
3. Name and address of the person/s to whom the certificate of registration is issued
4. Particulars of fishing vessel:
 - (a) Length:
 - (b) Breadth:

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- (c) Draft:
- (d) Make and HP of engine:
- (e) Type of vessel:
- 5. Base of operation:

Place:

Signature of the Authorised Officer.

Date:

(Seal)

Conditions of the certificate of registration

1. This certificate of registration is granted subject to the provisions of the Kerala Marine Fishing Regulation Ordinance, 1980 and the rules and orders issued thereunder.
2. Any change in the layout, design, capacity of the vessel should be effected only with the prior approval of the Authorised Officer.

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Form V

(See Rule 8(4))

Register of Certificate of Registration

Office of the

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(Authorised Officer)

Sl.No	Registration No. and date	Name, Address and occupation of owner/s	Particulars of fishing vessel					Base of operation	Amount of fee remitted and mode of remittance	Remarks
			Length	Breadth	Draft	Type	Make and H.P. of Engine			
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)

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